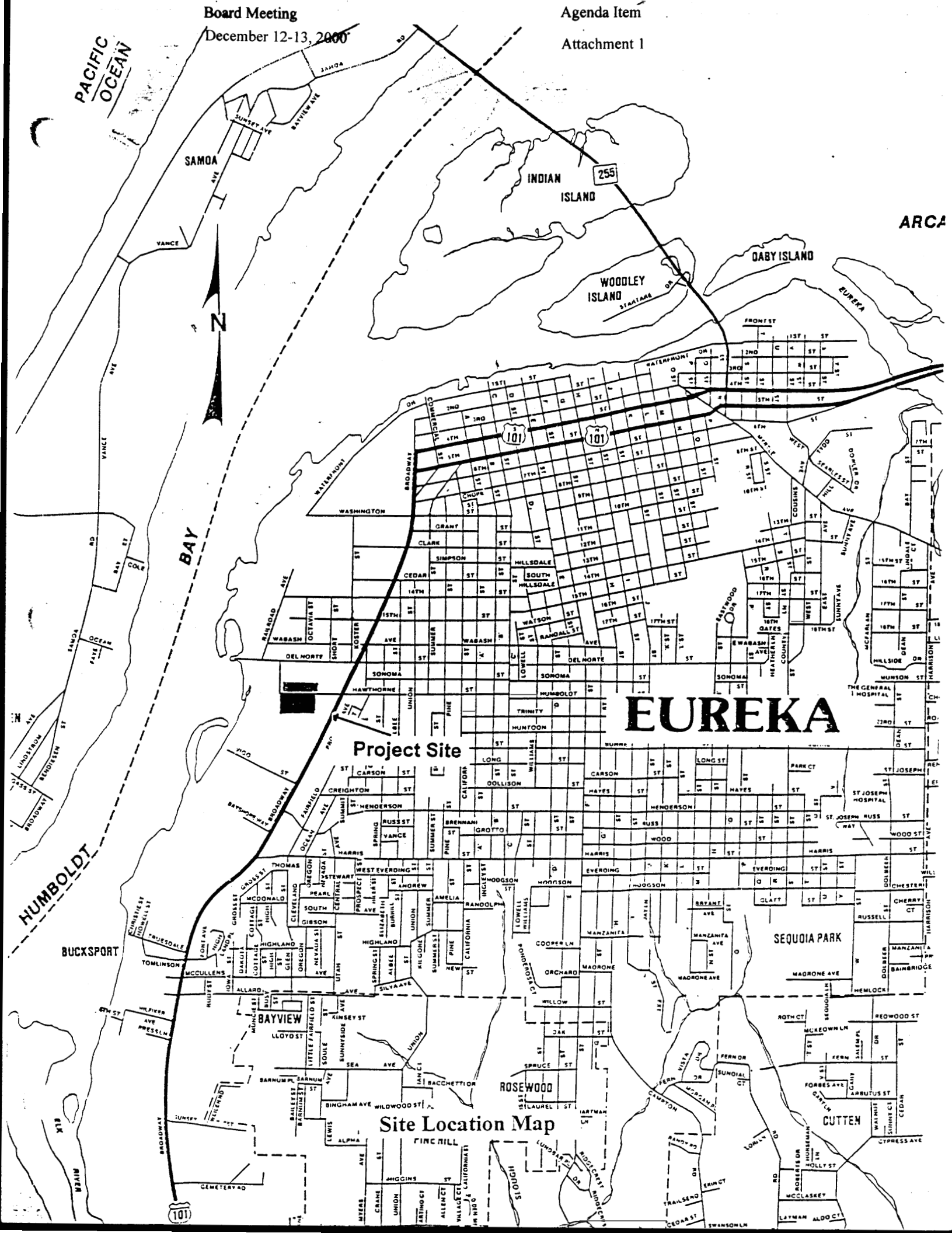
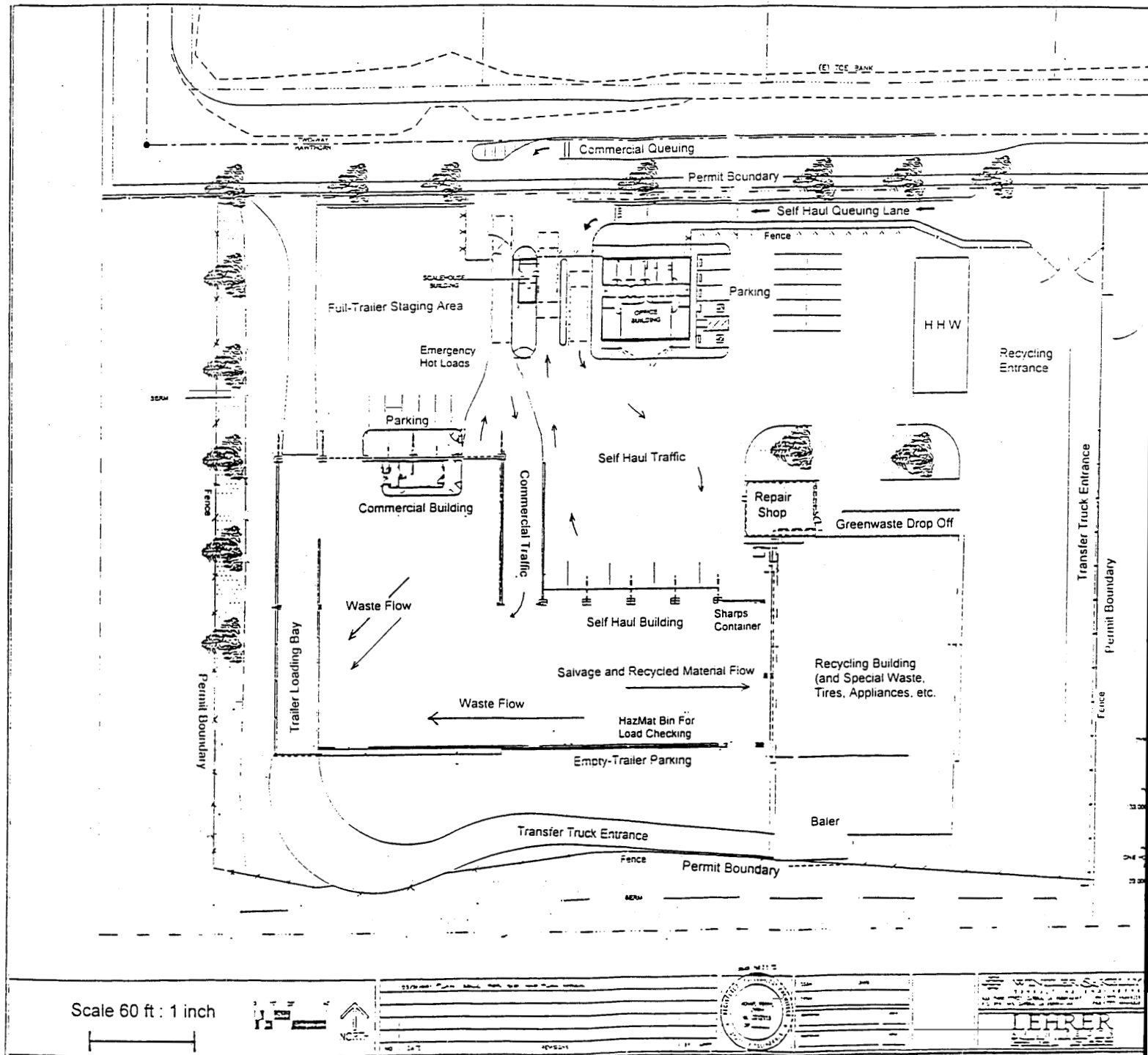


December 12-13, 2000

Attachment 1





ATTACHMENT "A"Statement of Findings

The California Environmental Quality Act (CEQA) requires that, in order to support its decision on the project for which an EIR was prepared, the Planning Commission must prepare written findings of fact for each significant environmental impact identified in the EIR. The findings are established in Section 15091 of the CEQA Guidelines and are listed below:

Finding 1 - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR;

Finding 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;

Finding 3 - Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Findings of Fact, below, are based on substantial evidence in the administrative record for the Humboldt Waste Transfer Station Project (Project) and a separate finding is made for each of the three significant effects identified in the Final EIR for the Project (SCH#1998122049):

- a. Tsunami inundation;
- b. Cumulative air quality impacts; and,
- c. Health and Safety Hazards Due to Accidental Releases of Waste or Waste Constituents into the Environment

FINDINGS OF FACT:**1) Significant Impact: *Tsunami inundation.***

Finding of Fact: *Finding 1 - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR.*

Discussion: The project site lies at a low elevation near the Humboldt Bay waterfront. Because tsunami run-up inside the Bay may reach 10 feet (3 meters), the site is subject to inundation during a large tsunami event. The site is probably not subject to inundation during a small to moderate event. The site may be afforded some protection because it is separated from the Bay by a broad marsh.

Because of the site's elevation and exposure level, it does not appear that the tsunami inundation hazard can be mitigated to a less than significant level. All developments within the

City must have a floor elevation of at least 12.5 feet City Datum, although exceptions can be granted to allow a floor elevation of 11 feet City Datum (Eureka Municipal Code Section 150.018). The City's required floor elevations are intended to avoid inundation during flood events within the Bay. Tsunami inundation hazards were analyzed in the Eureka General Plan EIR and a statement of overriding considerations adopted for this impact.

In general, much of the industrial development along the Humboldt Bay waterfront is within the inundation zone associated with large tsunamis. As such, there is an existing level of infrastructure that is subject to the effects of tsunami inundation. In the event of a large tsunami disaster, City and County resources would be required to clean up and repair the damaged facilities. Addition of the proposed project to the waterfront setting represents an increase in the cumulative impacts associated with potential tsunami inundation in the Humboldt County region. There are no feasible mitigation measures to reduce this impact to a less than significant level; therefore this impact remains significant and unavoidable.

Conditions of approval have been added to the project to implement the mitigation measures described in the certified EIR. The conditions of approval that lessen the above described impact include:

4. All finished floor elevations and material storage areas shall be located at or above the City of Eureka minimum floor elevation of 12.5 feet City datum to the satisfaction of the City of Eureka.

2) **Significant Impact:** *Cumulative air quality impacts.*

Finding of Fact: *Finding 1 - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR; and Finding 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Discussion: While environmental benefits would be expected as rail hauling increases (with a potential shift from truck traffic on state highways), there would be an incremental emissions contribution to a non-attainment area. The location of these air quality benefits would be widespread and not directly measurable in urban areas where air pollution monitoring equipment is sited.

Despite these potential benefits, rail haul of wastes to Solano County would contribute to cumulative emissions of ozone precursors (ROG and NOx), in counties that are non-attainment for state and federal 1-hour ozone standards, including Sonoma and counties southward to Solano County. The project's contribution to PM10 and cumulative ozone precursor emissions in non-attainment areas is a significant and unavoidable impact.

Conditions of approval have been added to the project to implement the mitigation measures described in the certified EIR. The conditions of approval that lessen the above described impact include:

6. Prior to issuance by the City of Eureka of the Building Permit, and annually on or before January 31 thereafter, the applicant shall submit to the City of Eureka, a report detailing compliance or non-compliance with, at a minimum, the following mitigation measures as described in the Final EIR: 3.04.e.; 4.04.n.; 3.07.a. – 3.07.c.; 3.08.b. – 3.08.q.; 3.08.t. – 3.08.aa.; 3.08.cc. – 3.08.ee.; 3.09.a.; 3.09.b.; 3.10.a.; 3.10.c. – 3.10.n.. This report may be combined with the inspections and reports prepared monthly by the Humboldt County Department of Environmental Health, the Enforcing Agency for the Transfer Station. The applicant shall be fully responsible for correcting any violations or issues of non-compliance.

3) **Significant Impact:** *Health and Safety Hazards Due to Accidental Releases of Waste or Waste Constituents into the Environment.*

Finding of Fact: *Finding 1 - Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR..*

Discussion: Hazards due to a vehicular accident, rail haul accident, or fire are less than significant. There is no feasible mitigation that would avoid the possibility of a release of household hazardous waste if the project site were inundated by a tsunami. Any location along the bay is subject to similar risk of inundation. The only possible mitigation for this impact would be to locate the household hazardous waste facility at a site that is above the tsunami inundation zone. Elevating the on-site HHW storage above the elevation of possible tsunami inundation is impractical. There are no feasible mitigation measures to reduce this impact to a less than significant level; therefore this impact remains significant and unavoidable.

Conditions of approval have been added to the project to implement the mitigation measures described in the certified EIR. The conditions of approval that lessen the above described impact include:

4. All finished floor elevations and material storage areas shall be located at or above the City of Eureka minimum floor elevation of 12.5 feet City datum to the satisfaction of the City of Eureka.
6. Prior to issuance by the City of Eureka of the Building Permit, and annually on or before January 31 thereafter, the applicant shall submit to the City of Eureka, a report detailing compliance or non-compliance with, at a minimum, the following mitigation measures as described in the Final EIR: 3.04.e.; 3.04.n.; 3.07.a. – 3.07.c.; 3.08.b. – 3.08.q.; 3.08.t. – 3.08.aa.; 3.08.cc. – 3.08.ee.; 3.09.a.; 3.09.b.; 3.10.a.; 3.10.c. – 3.10.n.. This report may be combined with the inspections and reports prepared monthly by the Humboldt County Department of Environmental Health, the Enforcing Agency for the Transfer Station. The applicant shall be fully responsible for correcting any violations or issues of non-compliance.

ATTACHMENT "B"

Statement of Overriding Considerations

The Planning Commission has balanced the benefits of the proposed project against the unavoidable or unmitigable impacts associated with the project. The Commission has determined that the benefits identified in this Statement outweigh the project's unavoidable or unmitigable impacts, making the impacts acceptable. The City adopts this Statement pursuant to the requirements of section 15093 of the State CEQA Guidelines.

The Planning Commission hereby finds that, for the reasons set forth below, the economic, social, and other considerations of the project outweigh the following unavoidable impacts identified in the findings: tsunami inundation; cumulative air quality impacts; and, health and safety hazards due to accidental releases of waste or waste constituents into the environment. First, the project will enable the City of Eureka and the County of Humboldt to achieve its needs with regard to waste disposal. Second, the industrial base of the project will enhance the tax base, create more jobs, and provide an essential service for the residents of the City of Eureka and the County of Humboldt. Third, the economic and social benefits of the project are regional in nature and support the entire County of Humboldt. The data to support these overriding factors are found in the Final EIR, the data submitted by the applicant to supplement the permit applications, and in the City of Eureka's adopted Local Coastal Program.

This Statement of Overriding Considerations shall be included in the project record, and shall be filed with the Notice of Determination for the project.